



The changing face of public participation in environmental impact assessment

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Introduction

- Public participation considered an integral part of best practice EIA
- Benefits recognised for both public and proponent
- Requirement of EIA legislation in Australia
- Brief overview of the requirements for public participation under Queensland EIA legislation
- Observations of effectiveness of community engagement tools based on involvement in contentious EIAs

Impact assessment in Queensland

- Formal EIA developed during late 1960s / early 1970s
- Primary aim to incorporate environmental considerations into decision making
- Queensland one of first governments in Australia to introduce EIA requirements into legislation
- Occurred in 1971 with amendments to the *State Development and Public Works Organisation Act 1971*
- Since 1971, EIA process in Queensland has evolved in a fragmented manner – no uniform model in use in Queensland

EIA process in Queensland

In Queensland, EIAs are carried out under three main pieces of legislation:

- *State Development and Public Works Organisation Act 1971 (SDPWOA)*:
 - projects considered to be of state significance
- *Environmental Protection Act 1994 (EPAAct)*:
 - generally mining and exploration projects
- *Integrated Planning Act 1997 (IPA)*:
 - projects requiring prescribed development approval or community infrastructure

Public participation requirements under Queensland EIA legislation

- Community engagement is seen as an essential part of the EIA process and prescriptive guides exist to guide practice
- Opportunities for community involvement in the Queensland EIA process generally provided at the following stages:
 - Comment on draft Terms of Reference
 - Preparation of draft EIS
 - Comment on draft EIS

Comparison of public participation requirements

	SDPWOA	EP Act	IPA
Draft ToR	Prepared by CG Public notification Period not set (typically 20 bd)	Prepared by proponent Public notification At least 30 bd	Prepared by chief executive Public notification At least 15 bd
EIS Preparation	No requirement	No requirement	No requirement
Draft EIS	Public notification Period not set (typically 30 bd)	Public notification At least 20 bd	Public notification At least 30 bd

Common criticisms of EIA for effective public participation

Timing:

- Participation needs to occur early in the process when options are still open and alternatives exist
- Reality - EIA often occurs after a great deal of project planning has taken place
- Early community engagement during EIA process can be difficult due to lack of specific project information
- Can be seen by some proponents as allowing more time for mobilisation of community opposition groups
- Lack of early consultation can be viewed as a tool to justify a predetermined outcome (just “tick the boxes”)

Common criticisms of EIA for effective public participation

Complexity of documents produced:

- Modern EIS documents often required to consider/ assess a large number of issues
- Result is lengthy, complex and technical documents
- Seen as not providing adequate and meaningful public consultation
- Challenge – how to create a document that is both thorough (meets the requirements of the ToR) but at the same time is accessible in terms of relations with the public and useful for decision makers.

Common criticisms of EIA for effective public participation

Perceived role of consultants:

- Technical specialists engaged by proponent can be seen as having a conflict of interest (paid to deliver a predetermined outcome)
- Issue being raised more frequently by project opponents
- Greater need for consultants to maintain independence and ethics
- EIANZ Certified Environmental Practitioner

Public participation in EIA

- Grown considerably over the years
- Attributed to:
 - People seeking greater control over their lives:
 - Days of “trusted” politicians are gone
 - Greater access to information and education means people are more able and willing to participate
 - When enjoying a high standard of living, people become concerned about maintaining that standard and the environmental quality of life
 - Communities having documented “wins” in effecting change through the EIA process

Public participation in EIA

- Result of growth in public participation in EIA:
 - Rapid increase in community activism:
 - Both ideologically and “NIMBY” driven
 - Greater scrutiny of projects:
 - Prolific use of internet
 - Increase in use of independently sourced “technical experts” to scrutinise and review EISs
 - Use of media – both print and electronic
 - Use of high profile community members as advocates/spokespeople
 - Use of alternative legislative options – EPBC Act
 - Legal action
 - Targeting of politicians

Public participation in EIA

In turn the response of regulatory agencies has been:

- Requirement for greater technical details and breadth of scope
- More emphasis on indirect impacts
- Greater emphasis on justifying project decisions
- Longer public comment and technical assessment periods

Community engagement tools

Public meetings:

- Benefits:
 - Can be a good forum for incorporating participation and can lead to greater accountability of decision makers and project proponents
- Limitations:
 - Can be dominated by NIMBY mentality
 - Seen as prime cause of antagonistic attitudes developing in a community
 - Public forum may not allow for the expression of all individual concerns

Community engagement tools

Public displays/workshops:

- Benefits:
 - Facilitation of one-on-one discussion between members of the public and project proponents
 - Provides for opportunity to allay fears and counter misconceptions
 - Demonstrates that the proponent is approaching the development in an open, transparent and cooperative manner
- Limitations:
 - May be seen as not catering to all sectors of the community where project study areas are wide reaching (geographically)

Community engagement tools

Community advisory/reference group:

- Benefits:
 - Representative of greater public
 - Provides opportunity to invite involvement of parties with genuine interest and ability to effect change
 - Acknowledges that the public have genuine contributions to make to the assessment and/or design process
- Limitations:
 - Relies heavily on a select group of individuals to speak for the entire community
 - May not result in a truly open process or education of the general population

Community engagement tools

One-to-one engagement:

- Includes one-to-one meetings and project information offices/shopfronts
- Benefits:
 - Allows for discussion of individual (and sensitive) issues in a private, 'secure' environment
 - Provides extended, local access to project team and information
- Limitations:
 - Can be seen as a strategy by proponents to avoid addressing public meetings

Community engagement tools

On-line forums and use of social media:

- **Benefits:**
 - provides communities with real time access to up-to-date project information and responses
 - can provide access to a wider target audience (those who may be unable to attend displays due to work or other commitments)
- **Limitations:**
 - anonymity associated with on-line engagement can lead to heightened level of emotive comment
 - world wide access to information facilitates input from communities wider than those directly impacted

Observations

- While legislatively public participation is only required at a few stages of the EIA process in reality it is occurring more frequently throughout the whole EIS process
- Increase in public participation in EIA means communities are now looking to be more informed and more involved
- Proponents are recognising the value increased public participation can add to the EIA process and are tailoring community engagement strategies accordingly